

**Introduced by Senator Perata**

April 18, 2005

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An act to amend Sections 25299.50.2 and 25299.51 of the Health and Safety Code, relating to underground storage tanks and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1115, as introduced, Perata. Underground storage tanks: corrective action.

(1) Existing law requires the owner or operator of an underground petroleum storage tank, or other responsible party, to take corrective action, as defined, in response to an unauthorized release of petroleum from the tank. Existing law establishes the Underground Storage Tank Petroleum Contamination Orphan Site Cleanup Subaccount and requires \$10,000,000 to be annually transferred for calendar years 2005, 2006, and 2007, into that subaccount, for expenditure, upon appropriation by the Legislature, for the costs of response action to remediate the harm caused by petroleum contamination at specified sites.

This bill would require the board, in consultation with the Department of Toxic Substance Control, to develop a public outreach program to inform owners of property that may be eligible for those funds, of the availability of the funds.

(2) Under the existing Barry Keene Underground Storage Tank Cleanup Trust Fund Act of 1989, owners and operators of petroleum underground storage tanks are required to pay a storage fee for each gallon of petroleum placed in the tank. The fees are required to be deposited in the Underground Storage Tank Cleanup Fund. The money in the fund may be expended by the State Water Resources Control Board (the board), upon appropriation by the Legislature, for

various purposes, including to pay for the costs of an agreement for the abatement of, and oversight of the abatement of, an unauthorized release of hazardous substances from underground storage tanks, by a local agency.

This bill would delete the requirement, with regard to those funds, that a local agency conduct that abatement and oversight.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 25299.50.2 of the Health and Safety  
2 Code is amended to read:

3 25299.50.2. (a) The Underground Storage Tank Petroleum  
4 Contamination Orphan Site Cleanup Subaccount is hereby  
5 established in the Underground Storage Tank Cleanup Fund.

6 (b) The sum of ~~40~~ *ten* million dollars (\$10,000,000) is hereby  
7 annually transferred, for calendar years 2005, 2006, and 2007,  
8 from the fund to the Underground Storage Tank Petroleum  
9 Contamination Orphan Site Cleanup Subaccount, for expenditure  
10 upon appropriation by the Legislature, for the costs of response  
11 actions to remediate the harm caused by a petroleum  
12 contamination, including contamination caused by a refined  
13 product of petroleum or a petroleum derivative, at sites that meet  
14 the conditions described in paragraph (2) of subdivision (a) of  
15 Section 25395.20, if all of the following conditions are met:

16 (1) The petroleum contamination is the principal source of  
17 contamination at the site.

18 (2) The source of the petroleum contamination is, or was, an  
19 underground storage tank.

20 (3) A financially responsible party has not been identified to  
21 pay for remediation at the site.

22 (c) Any funds in the subaccount that are not expended in  
23 calendar year 2005 and 2006 shall remain in the subaccount. Any  
24 funds remaining in the subaccount on January 1, 2008, shall be  
25 transferred to the fund.

26 (d) *The board, in consultation with the Department of Toxic*  
27 *Substances Control, shall develop a public outreach program to*

1 *inform owners of property that may be eligible for funds*  
2 *allocated pursuant to this section, of the availability of the funds.*

3 (e) This section shall remain in effect only until January 1,  
4 2008, and as of that date is repealed, unless a later enacted  
5 statute, that is enacted before January 1, 2008, deletes or extends  
6 that date.

7 SEC. 2. Section 25299.51 of the Health and Safety Code is  
8 amended to read:

9 25299.51. The board may expend the money in the fund for  
10 all the following purposes:

11 (a) In addition to the purposes specified in subdivisions (c),  
12 (d), and (e), for the costs of implementing this chapter and for  
13 implementing Section 25296.10 for a tank that is subject to this  
14 chapter.

15 (b) To pay for the administrative costs of the State Board of  
16 Equalization in collecting the fee imposed by Article 5  
17 (commencing with Section 25299.40).

18 (c) To pay for the reasonable and necessary costs of corrective  
19 action pursuant to Section 25299.36, up to one million five  
20 hundred thousand dollars (\$1,500,000) per occurrence. The  
21 Legislature may appropriate the money in the fund for  
22 expenditure by the board, without regard to fiscal year, for  
23 prompt action in response to any unauthorized release.

24 (d) To pay for the costs of an agreement for the abatement of,  
25 and oversight of the abatement of, an unauthorized release of  
26 hazardous substances from underground storage tanks, ~~by a local~~  
27 ~~agency~~, as authorized by Section 25297.1 or by any other  
28 provision of law, except that, for the purpose of expenditure of  
29 these funds, only underground storage tanks, as defined in  
30 Section 25299.24, shall be the subject of the agreement.

31 (e) To pay for the costs of cleanup and oversight of  
32 unauthorized releases at abandoned tank sites. The board shall  
33 not expend more than 25 percent of the total amount of money  
34 collected and deposited in the fund annually for the purposes of  
35 this subdivision and subdivision (h).

36 (f) To pay claims pursuant to Section 25299.57.

37 (g) To pay, upon order of the Controller, for refunds pursuant  
38 to Part 26 (commencing with Section 50101) of Division 2 of the  
39 Revenue and Taxation Code.

1 (h) To pay for the reasonable and necessary costs of corrective  
2 action pursuant to subdivision (f) of Section 25296.10, in  
3 response to an unauthorized release from an underground storage  
4 tank subject to this chapter.

5 (i) To pay claims pursuant to Section 25299.58.

6 (j) To pay for expenditures by the board associated with  
7 discovering violations of, and enforcing, or assisting in the  
8 enforcement of, the requirements of Chapter 6.7 (commencing  
9 with Section 25280) with regard to petroleum underground  
10 storage tanks.

11 (k) For transfer to the Petroleum Underground Storage Tank  
12 Financing Account, for purposes of Chapter 6.77 (commencing  
13 with Section 25299.200).

14 SEC. 3. This act is an urgency statute necessary for the  
15 immediate preservation of the public peace, health, or safety  
16 within the meaning of Article IV of the Constitution and shall go  
17 into immediate effect. The facts constituting the necessity are:

18 In order to insure that the public health and the environment  
19 are protected from hazardous chemical pollution in the soil and  
20 water, it is necessary that this act take effect immediately.